

BOULDER RIVER REGULATIONS CHANGE SUMMARY OF LANDOWNER MEETING

I met with six of the current owners and one former owner of the Boulder River Ranch at ranch headquarters on August 29, 2008, to discuss the recent removal of the catch-and-release regulation for the river reach between Natural Bridge and Two Mile Bridge. Their ranch lies within this reach and is directly affected by the regulation change.

Process

I described the regulations-setting process used in 2007 (Attachment 1) to effect the change to allow some trout harvest (2 fish, 1 over 13 inches). As part of this yearlong process, I sent 300 letters (Attachment 2) to randomly selected fishing-license holders asking their opinions about the proposed change on the Boulder River. Of the 137 who responded, 85% favored the change (Attachment 3). I apologized for not specifically contacting the landowners or their representative. Other pressing issues distracted me from this desirable step.

Justification

I presented the fish population data (Attachment 4) from our B-2 sampling section (located downstream from Natural Bridge) that indicate trout numbers are increasing. The data collected from the Allers Section (near the ranch) also indicate the number of larger rainbows is increasing:

1991: rainbows > 13" = 273/mile (electrofishing)

1998: rainbows > 13" = 258/mile (snorkeling)

2007: rainbows > 12" = 363/mile (electrofishing)

The latest fish population estimates also represent increases from those reported in the Boulder River Management Plan (Attachment 5).

The 2007 estimates of angler use from the Statewide Angler Survey for Boulder River Section 2 (Natural Bridge to the Headwaters) are less than half the angler days of 2005 and the lowest since 1982 (Attachment 6). At the same time, estimated angler-days for Section 1 (Mouth to Natural Bridge) increased in 2007. I attributed the decrease in angler use for Section 2 to the change in ranch operation from dude ranch to private holding.

Proposal

I proposed that we retain the new limit for Combined Trout of 2 fish, 1 over 13 inches and increase monitoring frequency to ensure that the fish population in this reach remains healthy.

Discussion

Comment: The data are "porous" because they are based upon estimates and extrapolations.

Response: We seldom have concentrated, research-level data on which to base our decisions. The call for more and better data is a common request that can delay already defensible management decisions.

Comment: We did not incorporate the angler-use data available from the Boulder River Ranch manager in our decision.

Response: This oversight was another unfortunate result of my not contacting the landowners during the regulations-setting process. The data I have since been provided indicates that use by the partners increased in 2007. Use by FAS (Fishing Access Site) anglers in 2007 cannot be directly compared until the July – August period is extracted.

Hoppertunity Partners: Rods on the river from April – October:
2005 – 126; 2006 – 102; 2007 – 160.

Fishing Access Anglers: Rods on the river:

2005 – 63 (July – August)

2006 – 100 (July – August)

2007 - ? (July – August); 170 (April – September)

Where angler-use estimates don't strictly agree, I would defer to the measured increase in fish numbers as an indication that limited harvest can be allowed.

Comment: We should conduct more monitoring before removing the catch-and-release regulation.

Response: I believe the existing data are adequate to support this minor regulation change. More monitoring is always desirable, but more data won't necessarily lead to a different management strategy.

Comment: If the catch-and-release regulation was working, why change it?

Response: When this restrictive regulation was first proposed, the drainage regulation for combined trout allowed anglers to harvest 5 fish, 1 over 18 inches. That regulation has since been reduced to 2 fish, 1 over 13 inches. Catch-and-release was applied to this important rainbow-trout spawning area to help jump-start the fish population in the entire reach above Natural Bridge. With the improvement in fish numbers above and below the bridge, and the continued restriction of harvest to 2 fish throughout the drainage, the public's desire to harvest a few fish in this area now seems reasonable.

Conclusion

All of us at the meeting clearly shared the goal of protecting the fishery resource in the Boulder River and other waters. Our point of departure was regarding the level of angling restriction necessary to ensure that protection.

I continue to advocate the retention of the 2 fish limit with a commitment to increase monitoring in the traditional Allers Section to ensure the fish population continues to thrive. The lack of questions about the proposed monitoring and keen interest in the deadlines for public comment (Attachment 7) lead me to believe that the landowners will not support my proposal and will instead seek to return this river segment's regulations to catch and release.

Jim Darling
Regional Fisheries Manager

Attachment 1
Montana Fish, Wildlife & Parks
2008-2012 Fishing Season Regulation Revision Process

Yearlong	Regions review management objectives and monitor fish populations and habitat.	Public Involvement
Jan. - Feb. (2007)	Regions initiate internal discussion of proposed regulatory changes. Communicate with other divisions. Solicit participants for statewide Fisheries Regulations Committee.	
March (2007)	Regions submit package of proposed regulation changes. Fisheries Regulations Committee meets to develop initial department recommendations.	Director approves recommended changes.
FWP proposed regulation changes available to public on WebPage.		
April-May (2007)	Public scoping and comment on statewide and region identified recommendations through press releases/public meetings. Comments accepted through May.	Public Involvement
	Public comments summary and FWP responses on FWP WebPage.	
June (2007)	Regions submit proposed tentative regulation packages to Helena. Fisheries Regulations Committee meets to select proposed tentative regulations for public review.	Director approves Tentative Regulations.
	FWP recommendations for 2008-2012 tentative regulation changes on FWP WebPage.	
2-Aug-07	FWP Commission Meeting in Helena to consider and adopt Tentative Fishing Regulation package.	Public Involvement
	Commission adopted tentative regulation changes on FWP WebPage. FWP solicits public comment.	
August - September (2007)	Regional and Helena staff develop Final Regulation proposals based on public and Commission input. Fisheries Regulation Committee reviews/approves Final Regulation proposal.	Director approves Final Regulations.
	Public comment summary, FWP responses, and FWP recommendations for final regulation changes on FWP WebPage.	Public Involvement
25-Oct-07	Final Regulations presented at FWP Commission Meeting in Helena for approval. Adoption of Final Regulations.	
Final regulation changes adopted by Commission on FWP WebPage.		

Attachment #2



**Montana Fish,
Wildlife & Parks**

2300 Lake Elmo Drive
Billings MT 59105
August 21, 2007

Dear Angler:

You have been selected as one of a very limited number of persons in south-central Montana to respond to proposed fishing regulations affecting this region. Please take a few minutes to comment. By responding before September 14, you will influence whether these tentative regulations are adopted.

1. The smallmouth bass population in Bighorn Lake has increased dramatically, while burbot (ling) appear to be scarce. Wyoming Game and Fish would like more protection for what may be the only unhybridized population of sauger in Montana and Wyoming. We are recommending, therefore, an increase in the bass limit from 5 to 6, a decrease in the burbot limit from 5 to 3, and a decrease in the sauger limit from 5 to 2.

_____ favor _____ oppose _____ no opinion

Comments:

2. When the current regulation of 5 brown trout, 1 over 18 inches, and catch-and-release for rainbow trout was adopted, browns outnumbered rainbows by 9 to 1 in the Bighorn River section from the Afterbay to Bighorn Access. Now these trout are found in nearly equal proportion. Our proposal of allowing a total of 5 fish (brown and rainbow trout), only 1 over 18 inches, would recognize this shift in composition and allow the few anglers interested in harvest to take either species.

_____ favor _____ oppose _____ no opinion

Comments:

3. The catch-and-release restriction for rainbow trout was originally imposed upon the Boulder River section from Natural Bridge to Two-Mile Bridge to protect them within a known spawning area. A dude ranch that surrounded this section and attracted many anglers has since been sold to private landowners, and fishing pressure has declined. Also, trout populations appear to be in good condition. We recommend reverting to the standard combined trout limit of 5 fish, only 1 over 18 inches.

_____ favor _____ oppose _____ no opinion

Comments:

4. Concerns of anglers and the Fish, Wildlife & Parks Commission that trout harvest on the Yellowstone River may be adversely impacting trout populations prompted a proposed change from 5 to 4 brown and/or rainbow trout, only 1 over 18 inches.

_____ favor _____ oppose _____ no opinion

Comments:

5. In 2002, we made Yellowstone cutthroat trout part of the combined trout limit in the Yellowstone River downstream from Columbus because we had been planting them near Billings. That planting ceased in 2005, so we propose returning to catch-and-release for cutthroats in this section.

_____ favor _____ oppose _____ no opinion

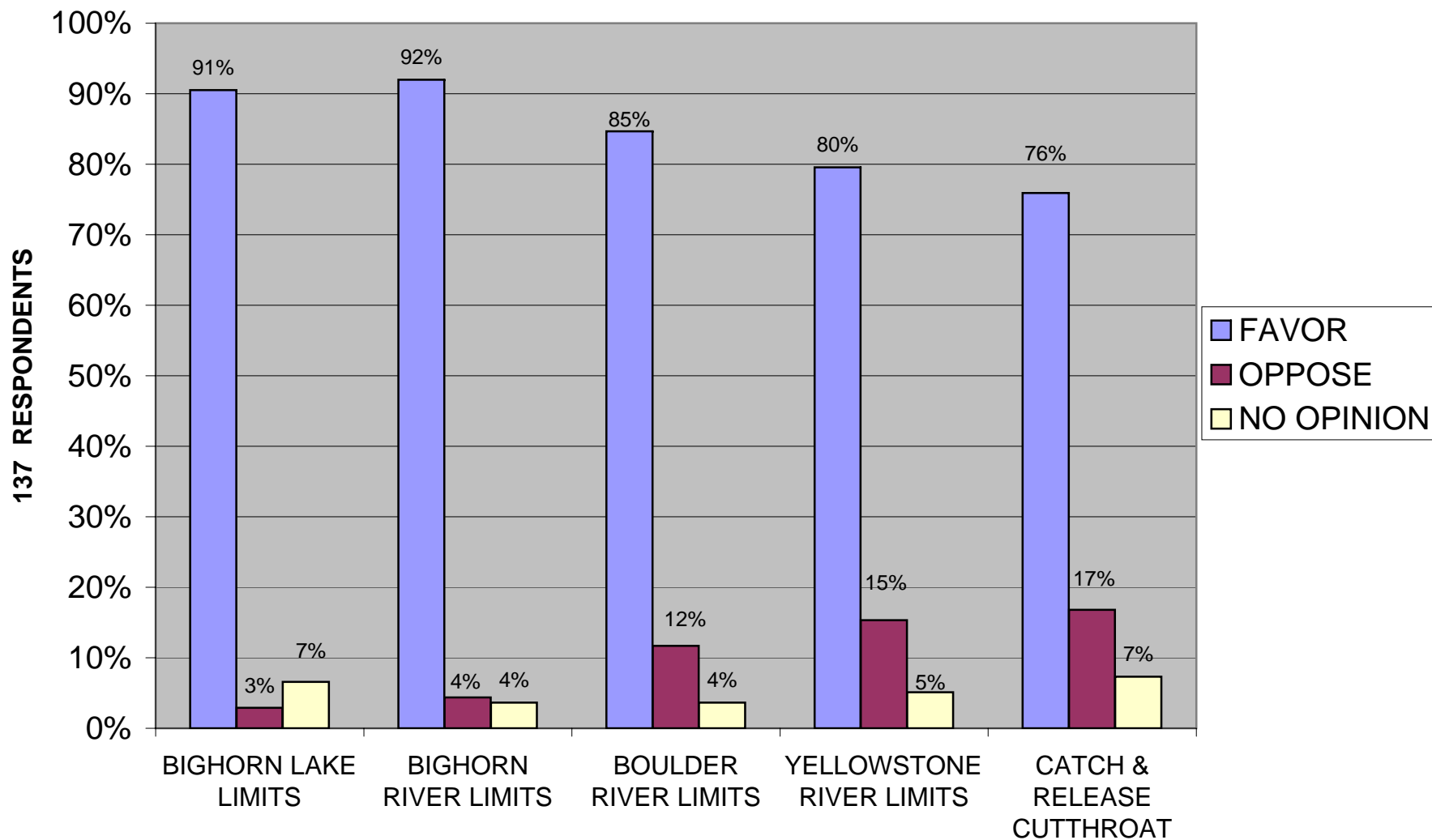
Comments:

Please call me at 247-2961 if you have any questions. Thank you for your time.

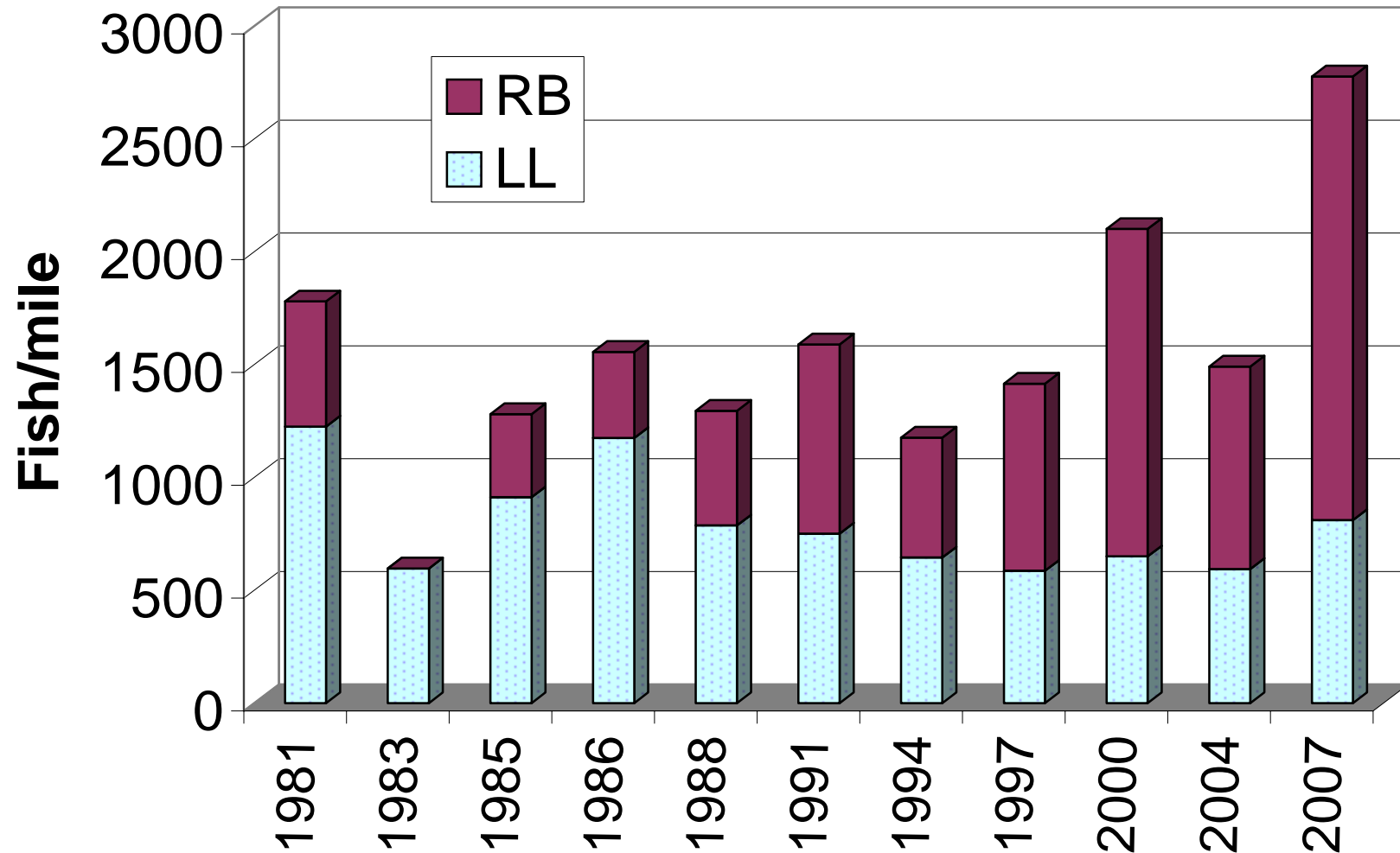
Sincerely,

Jim Darling
Regional Fisheries Manager

Attachment #3
R-5 2007 FISHING REGULATIONS SURVEY



Boulder River, B2 Section



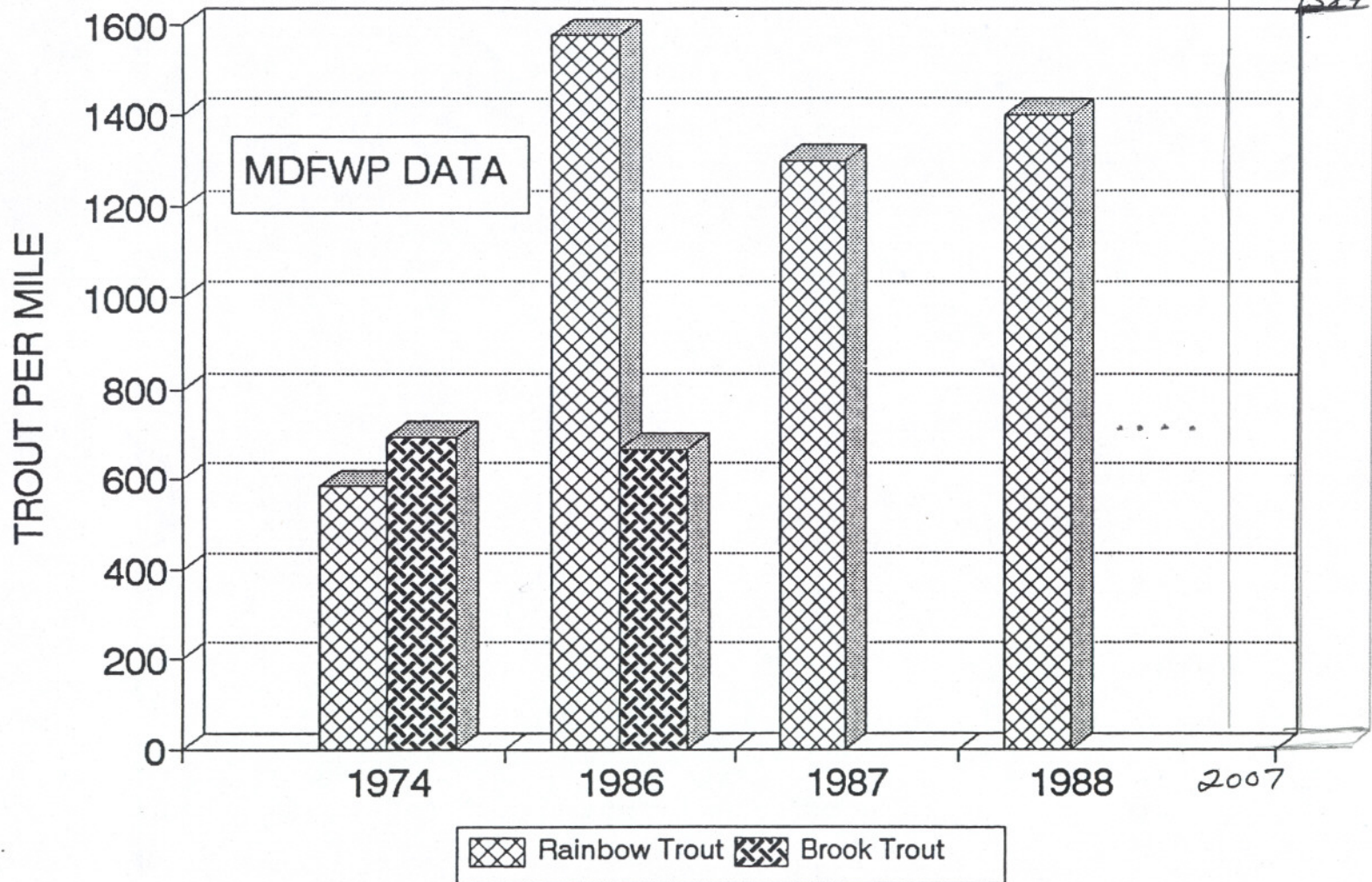


Figure 2 Trout population estimates from the Allers Section of the Boulder River
(Too few brook trout were recaptured in 1987 & 1988 to allow valid estimates)

Montana Fish, Wildlife Parks
Statewide Angling Use Estimates
1982 - 2007

		Total			Resident			Nonresident			State	Reg
		Pressure	Error	Trips	Pressure	Error	Trips	Pressure	Error	Trips	Rank	Rank
<u>Water Name</u>	1982	12191	5843	89	11412	5820	85	779	521	4	40	8
BOULDER RIVER SEC 01	1983	16933	2867	133	10706	2286	49	6227	1730	84	33	6
	1984	15109	3538	60	11756	3299	31	3353	1279	29	36	4
	1985	15919	3315	105	11525	3046	49	4394	1308	56	32	5
Mouth	1989	16055	2015	326	10500	1728	191	5555	1035	135	35	5
Boulder Falls (Nat Brdg)	1991	17233	1943	510	12761	1805	360	4472	719	150	31	4
	1993	19820	1919	542	13061	1626	323	6759	1019	219	31	4
	1995	17086	1764	442	10047	1345	255	7039	1143	187	33	4
<u>County</u>	1997	15331	1948	392	7402	1003	207	7929	1670	185	38	4
SWEET GRASS	1999	17184	2286	388	9912	1480	236	7272	1742	152	44	7
<u>Water Code</u>	2001	12616	2114	231	7336	1319	145	5280	1652	86	50	10
5 -220742- 01	2003	9694	1216	212	6933	1077	151	2761	565	61	64	10
	2005	14536	1964	252	7806	1352	154	6730	1424	98	49	9
	2007	17425	2257	271	9037	1518	160	8388	1671	111		
<u>Water Name</u>	1982	6240	3152	35	6010	3144	34	230	230	1	89	14
BOULDER RIVER SEC 02	1983	941	506	6	805	488	4	136	136	2	358	42
	1984	2184	1118	9	1653	1073	5	531	312	4	166	23
	1985	1510	946	5	1510	946	5	0	0	0	230	34
Boulder Falls (Nat Brdg)	1989	2197	596	45	1630	533	30	567	268	15	162	22
Headwaters	1991	750	273	20	580	230	16	170	148	4	304	39
	1993	1229	418	29	988	400	24	241	122	5	225	32
	1995	824	236	24	451	163	12	373	170	12	295	39
<u>County</u>	1997	5016	852	138	2864	657	78	2152	543	60	111	15
SWEET GRASS	1999	1265	411	31	690	317	17	575	263	14	263	40
<u>Water Code</u>	2001	924	317	18	243	113	7	681	297	11	265	40
5 -220756- 01	2003	1869	729	39	730	485	16	1139	544	23	193	28
	2005	1517	518	26	635	255	13	882	451	13	215	28
	2007	645	366	11	560	356	10	85	85	1		